

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

MICHAEL SERRANO,

Petitioner

v.

CIVIL ACTION NO. 2:10-0998

MARK PLANTS,

Respondent

MEMORANDUM OPINION AND ORDER

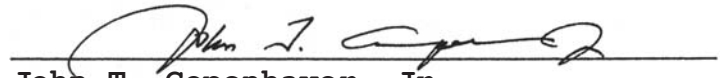
Pending is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, filed August 2, 2010.

The court having received the proposed findings and recommendation of the United States Magistrate Judge filed on October 6, 2010, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B); and having reviewed the record in this proceeding; and there being no objections filed by either the respondent or the petitioner to the proposed findings and recommendation; and it appearing proper so to do, it is ORDERED that the findings and conclusions made in the proposed findings and recommendation of the magistrate judge be, and they hereby are, adopted by the court. It is, accordingly, ORDERED as follows:

1. That the proposed findings and recommendation be, and it hereby is, adopted by the court and incorporated herein;
2. That the section 2254 petition be, and it hereby is, denied without prejudice; and
3. This action be, and it hereby is, dismissed without prejudice and stricken from the docket.

The Clerk is directed to forward copies of this written opinion and order to the pro se petitioner, all counsel of record, and the United States Magistrate Judge.

DATED: November 9, 2010


John T. Copenhaver, Jr.
United States District Judge